



Notice of Extraordinary Meeting

An Extraordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **Monday 14 March 2016 commencing at 8.30 am.**

Business

1. Acknowledgement of Country
2. Apologies
3. Declarations of Interest and Reportable Political Donations
4. Deputations
5. Development and Environmental Health Group Report
 - 5.1 DA 2015/138 – Coastal Protection Works, Skinner and Camden Streets, Ballina
6. Confidential Session
 - 6.1 DA 2015/138 – Coastal Protection Works, Skinner and Camden Streets, Ballina

A handwritten signature in black ink, appearing to read 'Paul Hickey', with a long horizontal line extending from the end of the signature.

Paul Hickey
General Manager

Deputations to Council – Guidelines

Deputations by members of the public may be made at Council meetings on matters included in the business paper. Deputations are limited to one speaker in the affirmative and one speaker in opposition. Requests to speak must be lodged in writing or by phone with the General Manager by noon on the day preceding the meeting. Deputations are given five minutes to address Council.

Any documents tabled or given to Councillors during the meeting become Council documents and access may be given to members of the public in accordance with the requirements of the Government Information (Public Access) Act 2009.

The use of powerpoint presentations and overhead projectors is permitted as part of the deputation, provided that the speaker has made prior arrangements with the General Manager's Office at the time of booking their deputation. The setup time for equipment is to be included in the total time of five minutes allocated for the deputation.

Public Question Time – Guidelines

A public question time has been set aside during the Ordinary Meetings of the Council. Public Question Time is held at 12.45 pm but may be held earlier if the meeting does not extend to 12.45 pm.

The period for the public question time is set at a maximum of 15 minutes.

Questions are to be addressed to the Chairperson. The period is set aside for questions not statements.

Questions may be on any topic, not restricted to matters on the agenda for the subject meeting.

The Chairperson will manage the questions from the gallery to give each person with a question, a "turn". People with multiple questions will be able to ask just one before other persons with a question will be invited to ask and so on until single questions are all asked and, time permitting, the multiple questions can then be invited and considered.

Recording of the questions will not be verbatim.

The standard rules of behaviour in the Chamber will apply.

Questions may be asked from any position in the public gallery.

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1. Acknowledgement of Country
 2. Apologies
 3. Declarations of Interest and Reportable Political Donations
 4. Deputations
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1. Acknowledgement of Country

In opening the meeting the Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

I would like to respectfully acknowledge past and present Bundjalung peoples who are the traditional custodians of the land on which this meeting takes place.

2. Apologies

An apology has been received from Cr Robyn Hordern.

3. Declarations of Interest

4. Deputations

5.1 DA 2015/138 - Coastal Protection Works, Skinner and Camden Streets, Ballina

5. Development and Environmental Health Group Report

5.1 DA 2015/138 - Coastal Protection Works, Skinner and Camden Streets, Ballina

Applicant	Civiltech Consulting Engineers
Property	Lot 10 in DP 1126929, Lot 1 in DP 1119099, Lot 3 in DP 1079380, being No 2 Skinner Street and nos 3 & 5 Camden Lane, Ballina.
Proposal	To undertake coastal protection works comprising a dry rock revetment wall and partial filling of land behind the revetment wall within the subject lands
Effect of Planning Instrument	The lands are zoned R2 Low Density Residential and W1 Natural Waterways under the provisions of the Ballina LEP under the provisions of the Ballina LEP
Locality Plan	The subject lands are depicted on the locality plan attached

Introduction

At its Ordinary Meeting of 25 February, 2016, Council refused consent for the subject development. Prior to the meeting the applicants lodged an appeal with the NSW Land & Environment Court against the deemed refusal of the application.

Since the Council's determination of the application, the formal Notice of Refusal has been issued to the applicants. Additionally, the Council staff have engaged CHLaw to represent the Council in the forthcoming proceedings. CHLaw are now seeking to discuss aspects of the case with the Council and to obtain direction relating to conducting the litigation.

Due to the privileged nature of the advice being provided, the report is contained within the confidential section of the meeting agenda. This is required under the provisions of S. 10A(2)(g) of the Local Government Act on the grounds that confidential legal advice will be discussed and, on balance, discussion in open meeting would not be in the public interest.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The application was publically notified and was subject to strong local objection.

5.1 DA 2015/138 - Coastal Protection Works, Skinner and Camden Streets, Ballina

Report

As stated above, the information being provided to the Council relates to conducting the Council's case in the forthcoming litigation.

Conclusion

This report is for noting only as the essential information has been classified as confidential in a later report in this agenda.

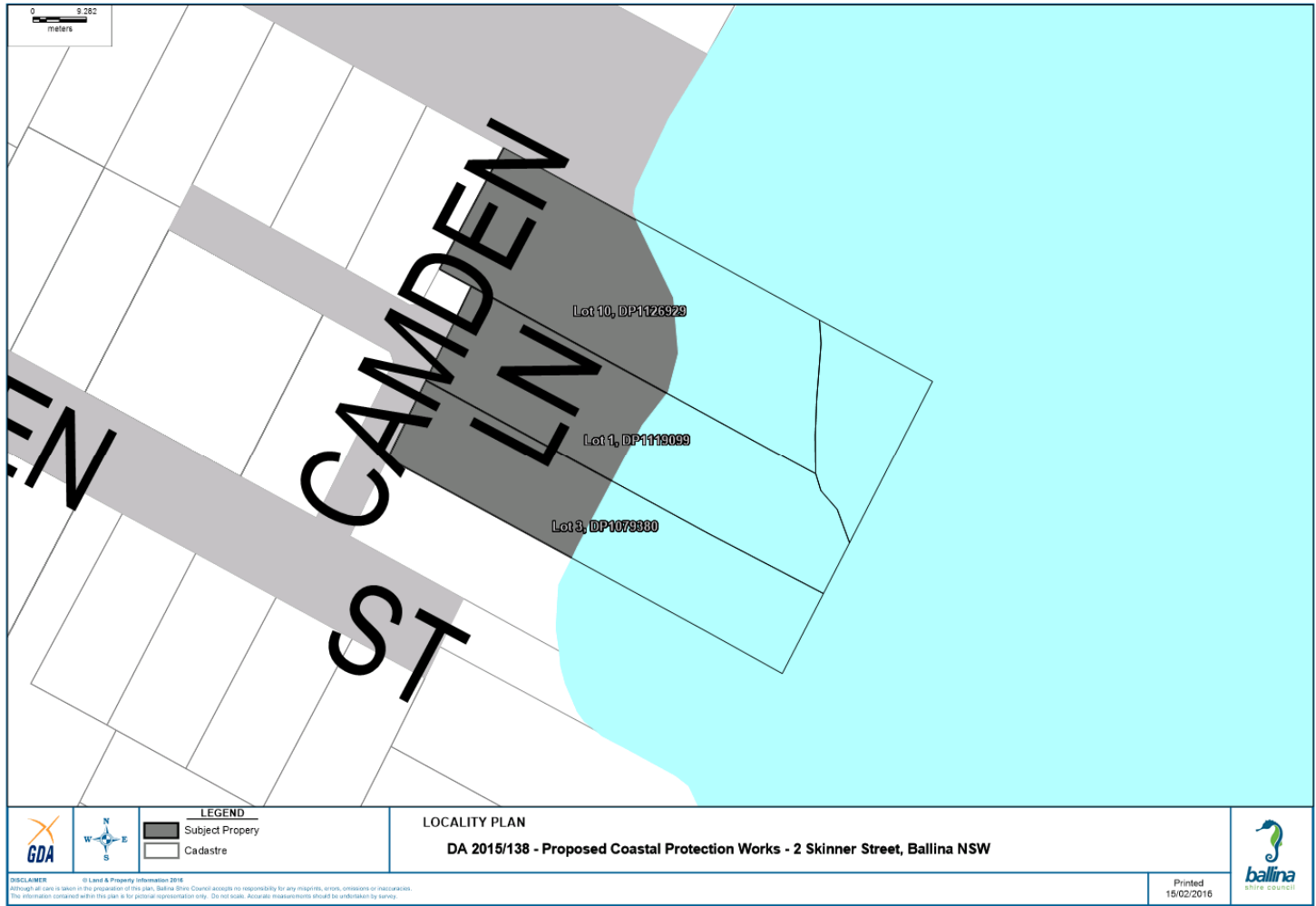
RECOMMENDATIONS

That Council notes the contents of this open Council report in respect of Development Application 2015/138.

Attachment(s)

1. Locality Plan

5.1 DA 2015/138 - Coastal Protection Works, Skinner and Camden Streets, Ballina



6. Confidential Session

In accordance with Section 9 (2A) of the Local Government Act 1993, the General Manager is of the opinion that the matters included in the Confidential Business Paper, and detailed below are likely to be considered when the meeting is closed to the public.

Section 10A(4) of the Local Government Act, 1993 provides that members of the public are allowed to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

A brief summary of each of the reports recommended for consideration in confidential session follows:

6.1 DA 2015/138 - Coastal Protection Works, Skinner and Camden Streets, Ballina

Refer to Item 5.1 of this agenda.

RECOMMENDATION

That Council moves into committee of the whole with the meeting closed to the public, to consider the following items in accordance with Section 10A (2) of the Local Government Act 1993.

6.1 DA 2015/138 - Coastal Protection Works, Skinner and Camden Streets, Ballina

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act 1993. which permits the meeting to be closed to the public for business relating to the following:-

- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as it relates to potential litigation.